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27384

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EXAMINER

PATEL, RONAK C

ART UNIT

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1787

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/590,109	<b>Applicant(s)</b> KULPER ET AL.	
	<b>Examiner</b> RONAK PATEL	<b>Art Unit</b> 1787	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06/21/2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 13 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In claim 13, it is unclear how the subject had possession of the claimed invention. In claim 13, it is unclear how the subject matter, "where the layers A and B do not exhibit an offset" derives antecedent support in the originally filed specification. However, there is no support in the present specification for such limitation. Thus claim 13 lacks written description requirement.
3. The cited phraseology clearly signifies a "negative" or "exclusionary" limitation for which the applicants have no support in the original disclosure. Negative limitations in a claim which do not appear in the specification as filed introduce new concepts and violate the description requirement of 35 USC 112, first paragraph, *Ex Parte Grasselli, Suresh, and Miller*, 231 USPQ 393, 394 (Bd. Pat. App. and Inter. 1983); 783 F. 2d 453.
4. The insertion of the above phraseology as described above positively excludes "wherein the layers A and B do not exhibit an offset", however, there is no support in the present specification for such exclusions. While the present specification is silent with

Art Unit: 1787

respect to the use of “wherein the layers A and B do not exhibit an offset” is noted that as stated in MPEP 2173.05(i), the “mere absence of a positive recitation is not the basis for an exclusion.”

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3, 5, 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Samson-Himmelstjerna et al. (US 2003/0198806)

7. Regarding claims 1-2, 5, 7-12 Samson-Himmelstjerna discloses an adhesive tape for bandaging cable harnesses (abstract) comprising a backing layer having two layers and an interlayer having an adhesive composition use to laminate the two layers comprising backing material (Para 0056). Samson-Himmelstjerna also discloses the backing material for the adhesive tape can be composed of woven or knits (para 0027), Suitable material envisaged for the textile backing include, in particular polyester or cotton fibers (para 0050) and the interlayer is composed of double sided adhesive tape (para 0056) and also discloses the inter adhesive coating applied to the backing has a basis weight of 25 to 80 g/m<sup>2</sup>, which falls in the range of claim limitation (para 0085) and discloses that the adhesive composition used in the interlayer being composed of viscoelasticity adhesive or double sided adhesive based on different polymer system, with natural or synthetic rubber and polyacrylates or silicones (para 0057), the base

Art Unit: 1787

materials of the backing may be chosen from the woven belt of glass fiber, polyester or polyamide, which reads on the claim 5, the interlayer is composed of double sided adhesive tape (para 0055), as can be seen in the figure para 0055. Samson-Himmelstjerna also discloses adhesive coating applied to the backing has a basis weight of 25 to 80 g/m<sup>2</sup> (para 0085) and also discloses the self adhesive compounds such as polyacrylates or silicones (para 0057). Samson-Himmelstjerna discloses a method for wrapping an elongate product guiding tape in a helical spiral around the elongate product, which also covers the elongate product in its axial direction (para 0019), a method of wrapping an elongate product, especially cable harnesses with a tape (abstract), Samson-Himmelstjerna discloses a backing layer having an outer layer and second outer layer composed of polyester and double sided adhesive composed of self adhesive compound such as acrylate or silicone adhesive similar to the used by the applicant of the present invention, it therefore would be inherent that the adhesive tape for cable harnesses is highly abrasion resistant.

8. It would be obvious to one of ordinary skill in the art at the time of invention to optimize routine experimentation and chose the basis weight between 30 and 80 g/m<sup>2</sup> for the inter layer C to get the desired thickness to have improved structural strength and rigidity of the adhesive tape. As set forth in MPEP 2144.05, in the case where the claimed range "overlap or lie inside ranges disclosed by the prior art", a *prima facie* case of obviousness exists, In re Wertheim, 541 F.2d 257, 191 USPQ 90 (CCPA 1976); In re Woodruff, 919 F.2d 1575, 16 USPQ2d 1934 (Fed. Cir. 1990).

Art Unit: 1787

9. Regarding claim 3, Samson-Himmelstjerna discloses an abrasion resistant tape for bandaging cable harnesses comprising a backing layer having two layers and an interlayer having an adhesive composition use to laminate the two layers comprising backing material (Para 0056). Samson-Himmelstjerna also discloses the backing material for the adhesive tape can be composed of woven or knits (para 0027) and the interlayer is composed of double sided adhesive tape (para 0057). However, Samson-Himmelstjerna fails to mention that the abrasion resistance of the backing (measured in accordance with ISO 6722, section 9.3 "scrape abrasion resistance") is at least 150% of the sum of the abrasion resistance of the individual piles.

10. However, Samson-Himmelstjerna discloses that the adhesive composition used in the interlayer being composed of viscoelasticity adhesive or double sided adhesive based of different polymer system, with natural or synthetic rubber and polyacrylates or silicones (para 0057) and the inter adhesive coating applied to the backing has a basis weight of 25 to 80 g/m<sup>2</sup>, which falls in the range that the applicant has disclosed in his specification. Samson-Himmelstjerna also discloses the base materials of the backing may be chosen from the woven belt of glass fiber, polyester or polyamide, similar to the backing material as used by the applicants in his invention and also it is not found that the production methods of these are meaningful different. Therefore, it would be expected that they would intrinsically exhibit similar or substantially similar properties having abrasion resistance of the backing (measured in accordance with ISO 6722, section 9.3 "scrape abrasion resistance") is at least 150% of the sum of the abrasion resistance of the individual piles.

Art Unit: 1787

11. The Patent and Trademark Office can require Applicant to prove that prior art products do not necessarily or inherently possess characteristics of claimed products where claimed and prior art products are identical or substantially identical, or are produced by identical or substantially identical processes; burden of proof is on Applicants where rejection based on inherency under 35 U.S.C. § 102 or on prima facie obviousness under 35 U.S.C. § 103, jointly or alternatively, and Patent and Trademark Office's inability to manufacture products or to obtain and compare prior art products evidences fairness of this rejection, *In re Best, Bolton, and Shaw*, 195 U.S.P.Q. 431 (CCPA 1977).

12. Claims 6 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Samson-Himmelstjerna et al. (US 2003/0198806) in view of Lodde (US 2002/0053392).

13. Regarding claim 6, Samson-Himmelstjerna fails to disclose that the double sided backing is applied with viscoelastic adhesive layer. However, Lodde discloses an adhesive tape for covering longitudinally extended products such as cables (abstract), which is provided with one side self adhesive layer in slight contact with two adhesive layers lying on one another (claim 1). The motivation for using the adhesive agents used for adhesive tapes that are viscoelastic adhesives is to have permanent adhesive capacity at room temperature, in solvent free form and with a slight contact pressure, adhere to almost all substrates (para 0003).

14. In light of the motivation for applying viscoelastic adhesive on to a double sided backing as taught by Lodde as described above, it therefore would have been obvious to one of ordinary skill in the art at the time of invention to have the interlayer C which is

Art Unit: 1787

composed of double sided adhesive of Samson-Himmelstjerna with the basis weight in the range of 25 to 80 g/m<sup>2</sup> with the viscoelastic adhesive of Lodde which is used in the adhesive tape for cable harnesses to have permanent adhesive capacity at room temperature, in solvent free form and with a slight contact pressure, adhere to almost all substrates (para 0003).

15. Regarding claim 13, Samson-Himmelstjerna fails to disclose that the outer layers do not exhibit an offset. However, Lodde discloses an adhesive tape for covering longitudinally extended products such as cables (abstract), which is provided with one side self adhesive layer in slight contact with two adhesive layers lying on one another (claim 1). As shown in figure 2, the adhesive layers 2a and 2b, which corresponds to the outer layer of the present invention lie on one another (para 0022) which clearly indicates that it does not exhibit offset. The motivation for forming an adhesive layers lying on one another is to form homogenous mass with the dissolution of interfaces of adhesive layers and to create necessary energy for the activation of the bonding process (para 0039-0040).

16. In light of the motivation for forming an adhesive layers lying on one another as taught by Lodde as described above, it therefore would have been obvious to one of ordinary skill in the art at the time of invention to form the outer layers of Samson-Himmelstjerna that does not exhibit offset as taught by Lodde which is used in the adhesive tape for cable harnesses to form homogenous mass with the dissolution of interfaces of adhesive layers and to create necessary energy for the activation of the bonding process (para 0039-0040).



Art Unit: 1787

17. Claims 1-3, 5, 7-12, 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Samson-Himmelstjerna et al. (US 2003/0198806) in view of Zafiroglu (US 7622408)

18. Regarding claims 1-2, 5, 7-12, 14-15 Samson-Himmelstjerna discloses an adhesive tape for bandaging cable harnesses (abstract) comprising a backing layer having two layers and an interlayer having an adhesive composition use to laminate the two layers comprising backing material (Para 0056). Samson-Himmelstjerna also discloses the backing material for the adhesive tape can be composed of woven or knits (para 0027), Suitable material envisaged for the textile backing include, in particular polyester or cotton fibers (para 0050) and the interlayer is composed of double sided adhesive tape (para 0057) and also discloses the inter adhesive coating applied to the backing has a basis weight of 25 to 80 g/m<sup>2</sup>, which falls in the range of claim limitation (para 0085) and discloses that the adhesive composition used in the interlayer being composed of viscoelasticity adhesive or double sided adhesive based on different polymer system, with natural or synthetic rubber and polyacrylates or silicones (para 0057), the base materials of the backing may be chosen from the woven belt of glass fiber, polyester or polyamide, which reads on the claim 5, the interlayer is composed of double sided adhesive tape (para 0055), as can be seen in the figure para 0055. Samson-Himmelstjerna also discloses adhesive coating applied to the backing has a basis weight of 25 to 80 g/m<sup>2</sup> (para 0085) and also discloses the self adhesive compounds such as polyacrylates or silicones (para 0057). Samson-Himmelstjerna discloses a method for wrapping an elongate product guiding tape in a helical spiral

Art Unit: 1787

around the elongate product, which also covers the elongate product in its axial direction (para 0019), a method of wrapping an elongate product, especially cable harnesses with a tape (abstract), Samson-Himmelstjerna discloses a backing layer having an outer layer and second outer layer composed of polyester and double sided adhesive composed of self adhesive compound such as acrylate or silicone adhesive similar to the used by the applicant of the present invention, it therefore would be inherent that the adhesive tape for cable harnesses is highly abrasion resistant. However, while Samson-Himmelstjerna discloses the preferable range for the basis weight of interlayer C which overlaps slightly with the claimed range, there is no disclosure of specific basis weight as presently claimed.

19. Whereas, Zafiroglu discloses a multilayer composite, this includes a face layer, an adhesive layer and a backing layer (abstract), the adhesive layer being the interlayer between the face layer and the backing layer. The adhesive layer contains thermoplastic or thermosetting adhesives, suitable material includes PE, PP, suitable basis weight for adhesive layer range from 4 oz/yd<sup>2</sup> to about 10 oz/yd<sup>2</sup>, by converting 4 oz/yd<sup>2</sup> to grams/m<sup>2</sup>, we get 135 g/m<sup>2</sup> and converting 10 oz/yd<sup>2</sup> to grams/m<sup>2</sup>, we get 339 g/m<sup>2</sup> (col. 4, lines 48-53), which does fall in the range of the claimed basis weight for the interlayer. The motivation for having a basis weight between 135-339 g/m<sup>2</sup> of the inter layer is to form a composite material with improved structural strength and rigidity (col. 5, lines 10-13).

20. In light of the motivation for having the interlayer with the basis weight in the range of 135-339 as taught by Zafiroglu as described above, it therefore would have

Art Unit: 1787

been obvious to one of ordinary skill in the art at the time of invention to have the interlayer C of Samson-Himmelstjerna with the basis weight in the range of 135-339 g/m<sup>2</sup> of Zafiroglu to make the adhesive tape with improved structural strength and rigidity.

21. Regarding claim 3, Samson-Himmelstjerna discloses an abrasion resistant tape for bandaging cable harnesses comprising a backing layer having two layers and an interlayer having an adhesive composition use to laminate the two layers comprising backing material (Para 0056). Samson-Himmelstjerna also discloses the backing material for the adhesive tape can be composed of woven or knits (para 0027) and the interlayer is composed of double sided adhesive tape (para 0057). However, Samson-Himmelstjerna fails to mention that the abrasion resistance of the backing (measured in accordance with ISO 6722, section 9.3 "scrape abrasion resistance") is at least 150% of the sum of the abrasion resistance of the individual piles.

22. However, Samson-Himmelstjerna in view of Zafiroglu discloses that the adhesive composition used in the interlayer being composed of viscoelasticity adhesive or double sided adhesive based of different polymer system, with natural or synthetic rubber and polyacrylates or silicones (para 0057) and the inter adhesive coating applied to the backing has a basis weight of 25 to 80 g/m<sup>2</sup>, which falls in the range that the applicant has disclosed in his specification. Samson-Himmelstjerna also discloses the base materials of the backing may be chosen from the woven belt of glass fiber, polyester or polyamide, similar to the backing material as used by the applicants in his invention and also it is not found that the production methods of these are meaningful different.

Art Unit: 1787

Therefore, it would be expected that they would intrinsically exhibit similar or substantially similar properties having abrasion resistance of the backing (measured in accordance with ISO 6722, section 9.3 "scrape abrasion resistance") is at least 150% of the sum of the abrasion resistance of the individual piles.

23. Claims 6 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Samson-Himmelstjerna et al. (US 2003/0198806) and Zafiroglu (US 7622408), further in view of Lodde (US 2002/0053392).

24. Regarding claim 6, Samson-Himmelstjerna in view of Zafiroglu fails to disclose that the double sided backing is applied with viscoelastic adhesive layer. However, Lodde discloses an adhesive tape for covering longitudinally extended products such as cables (abstract), which is provided with one side self adhesive layer in slight contact with two adhesive layers lying on one another (claim 1). The motivation for using the adhesive agents used for adhesive tapes are viscoelastic adhesives to have permanent adhesive capacity at room temperature, in solvent free form and with a slight contact pressure adhere to almost all substrates (para 0003).

25. In light of the motivation for applying viscoelastic adhesive on to a double sided backing as taught by Lodde as described above, it therefore would have been obvious to one of ordinary skill in the art at the time of invention to have the interlayer C which is composed of double sided adhesive of Samson-Himmelstjerna with the basis weight of Zafiroglu in the range of 135-339 g/m<sup>2</sup> with the viscoelastic adhesive of Lodde which is used in the adhesive tape for cable harnesses to have permanent adhesive capacity at

Art Unit: 1787

room temperature, in solvent free form and with a slight contact pressure adhere to almost all substrates (para 0003).

26. Regarding claim 13, Samson-Himmelstjerna in view of Zafiroglu fails to disclose that the outer layers do not exhibit an offset. However, Lodde discloses an adhesive tape for covering longitudinally extended products such as cables (abstract), which is provided with one side self adhesive layer in slight contact with two adhesive layers lying on one another (claim 1). As shown in figure 2, the adhesive layers 2a and 2b, which corresponds to the outer layer of the present invention lie on one another (para 0022) which clearly indicates that it does not exhibit offset. The motivation for forming an adhesive layers lying on one another is to form homogenous mass with the dissolution of interfaces of adhesive layers and to create necessary energy for the activation of the bonding process (para 0039-0040).

27. In light of the motivation for forming an adhesive layers lying on one another as taught by Lodde as described above, it therefore would have been obvious to one of ordinary skill in the art at the time of invention to form the outer layers of Samson-Himmelstjerna that does not exhibit offset as taught by Lodde which is used in the adhesive tape for cable harnesses to form homogenous mass with the dissolution of interfaces of adhesive layers and to create necessary energy for the activation of the bonding process (para 0039-0040).

28. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Samson-Himmelstjerna et al. (US 2003/0198806) in view of Tanaka et al. (US 2003/0118769).

Art Unit: 1787

29. Regarding claim 4, Samson-Himmelstjerna fails to disclose that the interlayer C has the thickness of 50 to 1000 micrometer. However, Tanaka discloses a pressure sensitive adhesive sheet having a base material layer 11 between the release agent layer and coat layer as shown in figure 1 (para 0027). The pressure sensitive adhesive layer has a thickness from about 3 to 5000 micrometer (para 0035). The motivation for having the pressure sensitive adhesive layer to be in the range of about 3 to about 5000 micrometer to have a good adhesive strength that can adhere to the outerlayers effectively.

30. In light of the motivation of having the bas material layer with the thickness in the range of 3 to 5000 micrometer as taught by Tanaka as described above, it therefore would have been obvious to one of ordinary skill in the art at the time of invention to have the interlayer of Samson-Himmelstjerna with the thickness in the range of 1 to 5000 micrometer as taught by Tanaka to form an adhesive tape with good adhesive strength.

31. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Samson-Himmelstjerna et al. (US 2003/0198806) and Zafiroglu (US 7622408), further in view of Tanaka et al. (US 2003/0118769)

32. Regarding claim 4, Samson-Himmelstjerna in view of Zafiroglu fails to disclose that the interlayer has the thickness in the range of about 50 to 1000 micrometer, whereas, Tanaka discloses a pressure sensitive adhesive sheet having a base material layer 11 between the release agent layer and coat layer as shown in figure 1 (para 0027). The pressure sensitive adhesive layer has a thickness from about 3 to 5000

Art Unit: 1787

micrometer (para 0035). The motivation for having the pressure sensitive adhesive layer to be in the range of about 3 to about 5000 micrometer to have a good adhesive strength that can adhere to the outerlayers effectively.

33. In light of the motivation of having the bas material layer with the thickness in the range of 3 to 5000 micrometer as taught by Tanaka as described above, it therefore would have been obvious to one of ordinary skill in the art at the time of invention to have the interlayer of Samson-Himmelstjerna with the thickness in the range of 3 to 5000 micrometer as taught by Tanaka to form an adhesive tape with an good adhesive strength.

### ***Response to Arguments***

34. Applicant's arguments filed 06/21/2010 have been fully considered but they are not persuasive. Applicant argues that there is nothing in Samson-Himmelstjerna establishing the basis weight of interlayer C as a result effective variable affecting abrasion and scuff resistance and a person having an ordinary skill would not have found it obvious to optimize this parameter and also a person having ordinary skill in the art would be reasonable to conclude the differences in the outer layer woven or formed loop knit composition would not be expected to significantly impact the results and irrespective of the woven or formed loop knit, a person having ordinary skill in the art would have been reasonable to expect, given the data in the instant specification. Applicant also argues that it is truly surprising and unexpected that the two layers or formed looped knit give an abrasion resistance that is remarkably better than the predicted abrasion resistance. However, it is noted that "the arguments of counsel

Art Unit: 1787

cannot take the place of evidence in the record”, *In re Schulze*, 346 F.2d 600, 602, 145 USPQ 716, 718 (CCPA 1965). It is the examiner’s position that the arguments provided by the applicant regarding manipulating interlayer C with a basis weight of 40 to 600 g/m<sup>2</sup> must be supported by a declaration or affidavit. As set forth in MPEP 716.02(g), “the reason for requiring evidence in a declaration or affidavit form is to obtain the assurances that any statements or representations made are correct, as provided by 35 U.S.C. 24 and 18 U.S.C. 1001”.

### ***Conclusion***

35. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

36. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

37. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **RONAK PATEL** whose telephone number is (571)270-



Art Unit: 1787

1142. The examiner can normally be reached on Monday to Thursday 8 AM EST to 6PM EST.

38. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Callie Shosho can be reached on 571-272-1123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

39. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. P./  
Examiner, Art Unit 1787  
08/23/2010

***/Angela Ortiz/  
Supervisory Patent Examiner, Art Unit 1780***